

Senate Engrossed

FILED

KEN BENNETT

SECRETARY OF STATE

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 189

SENATE BILL 1247

AN ACT

AMENDING SECTION 36-3705, ARIZONA REVISED STATUTES; RELATING TO SEXUALLY
VIOLENT PERSONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 36-3705, Arizona Revised Statutes, is amended to
3 read:
4 36-3705. Judicial determination of sexually violent person:
5 transfer for evaluation
6 A. On the filing of a petition pursuant to section 36-3704, the judge
7 shall determine if probable cause exists to believe that the person named in
8 the petition is a sexually violent person.
9 B. If the judge determines that probable cause exists to believe that
10 the person named in the petition is a sexually violent person, the judge
11 shall order that the person be detained in a licensed facility under the
12 supervision of the superintendent of the Arizona state hospital.
13 C. On motion of the respondent filed within ten days after service of
14 the petition, the court shall hold a probable cause hearing.
15 D. Within seventy-two hours after a person is detained pursuant to
16 subsection B of this section, the court shall provide the person with notice
17 of and an opportunity to appear at a probable cause hearing to contest the
18 probable cause finding made by the court pursuant to subsection A of this
19 section. At the hearing, the court shall verify the person's identity and
20 shall determine if probable cause exists to believe that the person is a
21 sexually violent person. At the hearing, the state may rely on the petition
22 that alleges that the person is a sexually violent person and that is filed
23 pursuant to section 36-3704. The state may supplement the information in the
24 petition with additional documentary evidence or live testimony.
25 E. At the probable cause hearing, the person has the following rights:
26 1. To present evidence on the person's behalf.
27 2. To cross-examine witnesses who testify against the person.
28 3. To view and copy all documents and reports in the court file.
29 F. After the hearing, if the court determines probable cause does not
30 exist to believe that the person is a sexually violent person, the court
31 shall dismiss the petition.
32 G. If at the hearing the court reaffirms that probable cause exists to
33 believe that the person is a sexually violent person, the judge shall order
34 an evaluation as to whether the person is a sexually violent person. A
35 person whom the court selects from a list of competent professionals shall
36 conduct the evaluation. ~~The county shall pay the costs of the evaluation.~~
37 H. IF THE RESPONDENT HAS NOT REQUESTED A PROBABLE CAUSE HEARING WITHIN
38 TEN DAYS AFTER SERVICE OF THE PETITION, THE COURT SHALL ORDER AN EVALUATION
39 AS TO WHETHER THE RESPONDENT IS A SEXUALLY VIOLENT PERSON. A PERSON WHOM THE
40 COURT SELECTS FROM A LIST OF COMPETENT PROFESSIONALS SHALL CONDUCT THE
41 EVALUATION.
42 I. THE COUNTY SHALL PAY THE COSTS OF AN EVALUATION CONDUCTED PURSUANT
43 TO SUBSECTION G OR H OF THIS SECTION.
44 H. J. The referring agency shall make available to the department of
45 health services all records concerning the person detained pursuant to this
46 section.

APPROVED BY THE GOVERNOR APRIL 19, 2011.

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FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2011.

Passed the House April 12, 2011,

by the following vote: 59 Ayes,

0 Nays, 1 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate February 23, 2011,

by the following vote: 26 Ayes,

0 Nays, 4 Not Voting

[Signature]
President of the Senate

Charmine Bellis
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

14 day of April, 2011,

at 4:46 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 19th day of

April, 2011,

at 9:12 o'clock A. M.

[Signature]
Governor of Arizona

S.B. 1247

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19th day of April, 2011,

at 11:12 o'clock 9 M.

[Signature]
Secretary of State